'suits, appeals and applications by or against the Sreepadom Palace shall be treated as suits, appeals and applications by or against Government.' "

Mr. Thanu Pillay seconded the motion.

Carried.

It was resolved that the Bill as thus amended be read again on a future day of which previous notice shall be given.

PRISONS BILL.

Mr. Watts moved that the Prisons Bill as reported on by the Select Committee be taken into consideration.

Mr. Bensley seconded the motion.

Carried.

No amendments being proposed, it was resolved that the Bill be read again on a future day of which previous notice shall be given.

DEPARTMENTAL ENQUIRIES BILL.

Resolved that a separate day be devoted to this Bill and that it be considered at an extraordinary meeting to be convened two months hence.

BILL TO REPEAL THE POLICE SUPERANNUATION REGULATION, 1060.

Mr. Watts moved that the Bill to repeal the Police Superannuation Regulation be taken up for consideration.

Mr. Muthunayagom Pillay seconded the motion.

Carried.

On the Bill being taken up Mr. Bensley spoke as follows :—

" Mr. President and Gentlemen,

This Bill affects only a portion of the members of a single Department, and you will, I trust, admit that if any one is entitled to express an opinion upon the effect of the measure upon that Department, it is myself.

Some misunderstanding has arisen regarding the freedom of action on the part of official members towards a Government measure, and it is opportune that the subject having been raised elsewhere, has quite recently been publicly set at rest.

We are told in the Statement of Objects and Reasons that this measure is intended to afford relief to the rank and file of the Police force who, it is conceded, are a 'very hard worked class of public servants entrusted with considerable responsibilities and powers.'

The relief proposed, Gentlemen, is this—that the deduction now made from the pay of the rank and file towards providing them with pensions and gratuities shall cease—and they shall be given pensions by Government under general service rules with this difference that they will be at liberty to retire on half pay at their option without medical certificate after 25 years' service, instead of after 30 years.

It is this that requires your careful attention. I have to ask you whether the aim specified in the " Objects and Reasons " will be attained by the measure now before you.

In all countries, as far as I know, some special pension rules are applied to the Police. The English Police, the Madras Police have their own rules and in Travancore this principle was recognised and the Regulation you are asked to repeal recognizes the propriety of securing for Police officers in Travancore suitable and special retiring allowances.

Now, Gentlemen, I shall shew you what advantages the constables of the Force will derive by the measure proposed.

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A man of seven years' service who breaks down in health is today entitled to a gratuity of 33 Rs Tomorrow he will be entitled to nothing. A man of 14 years' service is entitled to a gratuity of 67 Rs., tomorrow, to nothing. A man of fifteen years' service is entitled, under the condition of breaking down in health, to a pension of 2 Rs a month for the rest of his life; tomorrow, to a gratuity of 24 Rs; of twenty years' service, to a pension of 2¼ Rs for life; tomorrow, to a gratuity of 30 Rs; today, to a pension equal to half pay after 24 years' service, tomorrow. to the same after 25 years' service.

Would you consider a man benefited who secured such prospects at such cost? To those who entered the service of Government under conditions that carried no pension with them, the liberality of His Highness' Government in conferring pensions is indeed a boon, but as a substitution for others and for better terms, it is not.

It will be argued that they are paying and have to continue to pay. I admit that it is hard for them to pay for their pensions, but I say it is much harder to give up their present prospect of retiring allowances for the alternative proposed. As a matter of fact I am quite sure that the fund, if left alone, will pay in a few years demands on the more favourable scale without any deduction from the men's pay in the way of subscription to the fund.

One objection that has been made to me outside this Council to opposing the repeal of Regulation III of 1060 is that being a financial measure the Government should be left to carry it out. All I have to say is that it is not a financial measure, a financial measure means dealing with state finances but this deals with the trust fund of the Police Force secured to them by law—and the financial result would be the transfer of roughly a lakh of Rupees from that trust fund to the state coffers.

I am told further that section 2 heading (e) para 4 which says "Provided that no Police Officer shall be entitled of right to any allowance from the fund or shall retain any right to a refund of any deductions made from his pay while he may have been a Police Officer"—deprives the Force of any rights from the Fund. I need only state such an objection, for its immediate and unqualified rejection by you all.

Another argument in favour of the repeal is that the Madras Government did the same thing, they took over the Police Superannuation Fund and gave the men pensions from Government. What were those pensions? they are laid down in the Madras Police orders published under the authority of the Inspector-General of Police, Madras, and as men serving under the old rules, had the option of continuing to serve under those rules without deductions from their pay or of accepting the new rules which are the same as those of the superior grades of the uncovenanted service.

Another point I have heard urged is that in the measure under reference the Government is carrying out the recommendation of the Resident, approved by the Madras Government in their remarks upon the last year's Administration Report, in which the Resident says that he trusts that His Highness' Government will see their way in course of time to put an end to the stoppage from the constables' pay and to give them pensions from Government Funds similar to those given to the Madras Police. (I have not the actual words with me but the above is the substance). The proposal before the Council is, as I have shewn, entirely different.

In conclusion, Gentlemen, I have to affirm that the alternative offered to the state of things under the existing law does not secure the end claimed for it in the Objects and Reasons. I, therefore, think that the repeal of Regulation III of 1060 under the conditions proposed is not for the benefit of the people concerned."

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Mr. Muthunayagom Pillay observed :—

" The learned mover of the Bill has introduced this piece of legislation solely as a measure of "*relief*" to all grades of Policemen. In his statement of Objects and Reasons he points out how the relief is to be effected. He says that the constables are to be relieved from further contribution to the Superannuation Fund and they are to be given the "*benefit*" of pensions under the *General* Pension rules. And as an incidental matter he seeks the aid of the legislature to repeal the Superannuation Regulation (III of 1060) and to have power to carry to the credit of Government the amount of the contributions already levied and realised under that Regulation.

It seems to me that we ought to stop and enquire, whether the proposed relief is real or only apparent and whether the conditions of service now offered to the Policemen are so far advantageous to them as to warrant a total changing of the laws and rules which have governed them for the last ten years, besides appropriating to Government the Pension Fund on which they have a special claim. In my humble opinion, the proposed terms do not justify the wholesale repeal of Regulation III of 1060 and the unconditional appropriation of the Superannuation Fund.

The mover himself admits that " the constables are a very hard worked class of public servants entrusted with considerable responsibilities." Such being the case, one would naturally expect to find a special set of rules governing their Department in the matter of pay and pensions. Compartively higher pay and shorter terms of service to qualify for pensions, ought to be the main features of those rules. The existing law recognizes the latter feature, and has provided gratuities and pensions to disabled Policemen and even their families after very short terms of service. But it has most strangely levied a tax on them of one chuckram for every Rupee of their pay while no other public servant of the State is called upon to make a similar contribution towards his pension. The mover of the Bill while very properly proposing to remove this unfair taxation, forgets, however, to maintain intact the existing pension rules of the force and therein lies the objection to his measure. His atention has evidently not been directed to this aspect of the question in any very critical manner and hence I believe he talks of conferring a "benefit" on Policemen by extending the General Pension rules to them. My learned friend, the last speaker, has clearly contrasted the General Rules with the special rules that have hitherto obtained in his Department. A comparison of the Superannuation Fund Rules, 3, 4, 5, and 6 with the General Pension Rules 38 and 39 shows the marked difference between them and a glance at the figures would clearly prove the superior advantages of the existing terms of service.

The Policeman can hardly be said to be asking for too much, when his prayer is no more than to leave things as they are with the exception of discontinuing an unequal contribution. And even in this matter of removing the unfair tax on his income, he is able to offer a very substantial return (if such indeed were necessary), namely, the handing over to Government unconditionally of nearly a lac of Rupees which belongs to the Force and about 50 per cent of which is the accumulated proceeds of his own contributions. This money has hitherto been left in the hands of Government for the specified object of granting pensions on easy terms to the members of the Force. It seems to me that before the legislature can countenance the appropriation of this trust money, they may well urge the fairness of the Policeman's demand and ask for an adequate return being made to the contributors to the Fund sought to be appropriated. As far as we can see at present, the return is by no means adequate.

If the object of the mover is to afford any real and substantial relief, the discontinuance of the contribution system should be accompanied by the continuance of the special Pension Rules under the old Regulation. The accretion to the general funds of the State by the appropriation of the Superannuation Fund would very likely go a great way towards enabling the Government to do this, without increasing additional expense. If this course should not commend itself, I think that in all fairness all those men at least who had enlisted in the Police Force prior to the passing of the proposed Regulation should be allowed to elect between the Superannuation Fund Rules and the general Pension Rules."

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Mr. Thanu Pillay said:—

"In the observations which have been made on the Bill, reference has more than once been made to the composition of the Superannuation Fund with a view to show that the Fund is largely made up of items (such as fines) which in the absence of a special enactment should have gone into the Government Treasury. Allusion has also been made to section 2 of Regulation III of 1060 which declares that no contributor has any legal claim on the Fund, and which enables Government to regulate by rules from time to time the grant of pensions and gratuities from the Fund. But the question before us is not as to the right, legal or otherwise, of the Government to appropriate the Fund or as to the competency of the Government to substitute for the rules in force any others they may deem fit. The preamble declares that the object of the proposed measure is "to afford relief to all grades of Policemen" and the statement of Objects and Reasons repeats and accentuates this object. We have therefore to consider whether and how far the Bill now before the Council would secure the above object. The remarks made by my friends Messrs. Bensley and Muthunayagum Pillay show that, far from being a source of relief, the measure would injuriously affect those for whose benefit it is intended. A brief analysis of some of the facts and figures bearing upon the measure will place the matter in a clear light. Under Regulation III of 1060, the salaries of all Police officers drawing below Rs. 30 per mensem were subject to deduction on account of the Superannuation Fund as such officers were not entitled to the benefit of the Service Pension Rules then in force. The revised pension rules dated 5th August 1893 extended the benefit of pension to all public servants (including Police officers) drawing 10 Rs. and upwards and thereby relieved all such Police officers from deductions on account of the Superannuation Fund. This is doubtless a great relief for which they, in common with similar servants in the other departments of the service, are, I doubt not, deeply grateful to Government. Now it is proposed to bring all other Policemen (i. e. all men whose monthly salary is below 10 Rs.) under the Pension rules. Under these rules modified as indicated in the Objects and Reasons the Policemen concerned will be entitled to a gratuity amounting to 4 months' pay if they have put in between 15 and 20 years' service, and 5 months' pay between 20 and 25 years' service. Those whose service is not less than 25 years will be entitled to a pension of half pay, but not exceeding Rs. 4 a month. The men whose service is less than 15 years will get nothing, neither gratuity nor pension. Under the Superannuation rules passed under Regulation III of 1060, men whose service is 25 years and above will draw half pay as pension and men whose service is below 7 years will get neither gratuity nor pension. So far as these two classes of men are concerned, the proposed measure is certainly one of great relief. The rest of the Policemen may be divided into two groups—men whose service is between 7 and 15 years and those whose service is between 15 and 25 years. The first group, as already stated, get neither gratuity nor pension under the pension rules; but under the Superannuation rules, they are entitled to a gratuity at the rate of four-fifths of a month's pay for each year of service. The present deduction amounts to $\frac{12}{16}$ of a month's pay per annum or very nearly a half of the gratuity. There is further the advantage of getting in a lump what may in all likelihood have been spent away by men of such small incomes. The difference in the case of men between 15 and 25 years' service is still more marked. In the place of 4 and 5 months' pay as gratuity they get a monthly pension of 2 and $2\frac{1}{4}$ Rs, respectively according as their service is below or above 20 years. Let us take a constable of the last grade with a service of 15 years. He will under the pension rules get a gratuity of 24 Rs or 168 fanams which will yield an interest (at the rate of 12 per cent per annum) of a little over 6 chuckrums per mensem. Under the Superannuation rules he will get a monthly pension of 14 fanams. We should of course deduct from this the interest on the amount deducted from his pay. The amount deducted will be $15 \times 12 \times 6$ chuckrums or 270 fanams. The interest on this we may take to be $2\frac{3}{4}$ fanams. The constable has still in his favour under the gratuity rules 14 *minus* $2\frac{3}{4} + 1\frac{1}{2}$ or $9\frac{3}{4}$ fanams per mensem. It may be said that for purposes of calculation we ought to take as the amount of deduction not the aggregate of the monthly deductions, but the sum of the several deductions *plus* the interest on each deduction from the date thereof. In view of the habits of the classes to which the constables belong, this contention is purely theoretical, but

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admitting it for the sake of argument, we get 512 fanams according to the formula for annuities, namely $m = n\,a + \frac{n(n-1)}{2} r\,a$, and yet, the balance will be considerable in favour of the Superannuation Rules. Perhaps, allowance should also be made for the loss to his heirs of the principal deducted at the death of the Policeman. This, however, will not exceed four years' net pension; whereas the period during which the man may continue to receive his pension may be much longer. Mr. Bensley tells me that men are enlisted in the Police Force between the ages 18 and 25. In that case, the age of the hypothetical constable may be taken to be about 36 and under what is called Willick's formula—expectation of life$=\frac{2}{3}(80-x)$—he may be expected to continue to receive his pension for a period of 29 years, supposing, of course, that the cause of the retirement is a loss of limb or other local or partial disability not involving general debility or ill-health. Thus it appears to me that so far as Policemen whose service ranges from 7 to 25 years are concerned, the Superannuation rules are more advantageous than the pension rules.

If the measure, while exempting the Policemen from contributions, continues to give them the same right to pension and gratuity as they now enjoy, it will be a real measure of relief. If Government, however, could not see their way to adopting such a measure, it strikes me that the Policemen concerned would much rather be let alone. In reference to the gratuity or pension insured to the contributors, the deductions on account of the Superannuation Fund may be regarded as an insignificant deprivation to which every man who wishes to make some provision against the ills that flesh is heir to, will and should willingly subject himself. We have here none of the aids to thrift—investment—Savings Bank, Benefit Societies and other Provident or protective institutions which form a marked feature of modern European society. The Superannuation Fund serves the purpose of one of such institutions enabling as it does every Policeman to invest from time to time his fragmentary savings."

A discussion ensued during which the President pointed out the bearing of the provisions of the existing enactment on the power of Government in regard to the extension of the Pension Rules to Policemen so as to affect the Superannuation scheme and wished to know exactly what was wanted; whether the Bill before the Council was opposed *in toto* or whether any amendment or alteration was alone sought to be made. Then it became apparent that while the members generally agreed in the desirability of ceasing the contributions and of making the proposed appropriation they wished to have an authoritative declaration or assurance that the abolition of the Superannuation Rules would be subject to an option on the part of the constables who have already contributed to the Fund to continue under those rules, so that the full measure of relief intended by Government might be ensured. The President observed that such exhortation independent of any definite amendment to the Bill met by a mere assurance was not the usual way in which the deliberations of the Legislature were given effect to and that such exhortations might prove practically valueless. He added, however, that, in the particular case, the measure having been introduced not on any financial grounds at all but for the sake of uniformity and relief from liability to contribution, he saw no objection to the proposed option being conceded, if that would operate more beneficially. But as he could not obviously make an authoritative declaration on the point then and there the further consideration of the Bill was adjourned.

It was resolved that the further consideration of the Bill be deferred to the next meeting.

IRRIGATION BILL.

Mr. Thanu Pillay moved that the Irrigation Bill be referred to a Select Committee for report. He spoke as follows:—

"I rise to move that the Irrigation Bill which, with the leave of the Council, was introduced into it some time back, be referred to a Select Committee consisting of Messrs Krishnaswamy Rao, Nagum Iyer, Ramanatha Rao and the mover. I may mention that Government have had the Bill under their consideration since its introduction into the Council. Some important suggestions have been received by Government from a high quarter, and as the measure is one of great importance affecting as it does the interests of the vast agricultural classes, it has been deemed

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